



Docket No.: 1293.1338

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Young-hun MIN et al..

Group Art Unit: 2873

Serial No. 10/086,440

Examiner: Mohammed A. HASAN

Filed: March 4, 2002

Batch No:

For: MICROMIRROR DRIVER AND METHOD OF CONTROLLING MICROMIRROR DRIVER

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided Statements of Reasons for Allowance in the Notice of Allowability and in Paper No. 2, mailed February 27, 2004 and October 8, 2003, respectively, in which the Examiner indicated that some of the apparatus claims 1-24 and 46-58 and method claims 25-45 were allowed based on certain enumerated features.

As specified in MPEP §1302.14, "care must be taken to ensure that such reasons are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." It is submitted that the Examiner's Statements do not meet these standards and, instead, raise "possible misinterpretations... and possible estoppel effects" (MPEP §1302.14) and, accordingly, should be disregarded.

The Examiner includes comments concerning independent claims 13, 25, 46, 53 and 55 and dependent claims 3-12 and 37-45 in Paper No. 2 and comments concerning independent claims 1, 13, 25, 35, 46, 53, and 55 in the Notice of Allowability. However, the Examiner has not recited the appropriate language for the appropriate claims as pending and allowed in the application.

By way of example, the Examiner's comments concerning claim 13 in Paper No. 2 differ from the Examiner's comments concerning claim 13 in the Notice of Allowability and both sets of comments incorrectly refer to a "base electrode formed on the groove," whereas claim 13 recites "a base electrode formed at the groove."

By way of another example, in the comments regarding claim 25, the Examiner substitutes the phrase "in response to voltage V" for the phrase "by applying a voltage V;" and substitutes the phrase "or in" for the phrase "and/or" as recited in claim 25.

By way of yet another example, in the comments concerning claims 46 and 55, the Examiner refers to a feature "and the first voltage controls an amplitude of the micromirror and the second voltage controls a resonant frequency of the micromirror." This feature is found only in claim 55 and no similar feature is recited in claim 46.

In the Notice of Allowability, the Examiner repeats some of the reasons for the independent claims mentioned in Paper No. 2 and omits any reasons for allowance of the dependent claims noted in Paper No. 2.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statements of Reasons for Allowance and the claimed features of the currently pending claims.

It further is submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of the same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance of same.

In summary, it is submitted that the Examiner's Statements raise "possible misinterpretations... and possible estoppel effects" (MPEP §1302.14) and are therefore improper.

Respectfully submitted,

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Date: 5/27/04

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